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Security Council

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The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Somalia, and concerning Eritrea, in particular resolutions 733 (1992), which established an embargo on all delivery of weapons and military equipment to Somalia (hereafter referred to as the "Somalia arms embargo"), and resolution 2036 (2012),

Taking note of the final reports of the Monitoring Group (S/2012/544 and S/2012/545) dated 27 June 2012 submitted pursuant to paragraph 6 (m) of resolution 2002 (2011) and the observations and recommendations contained therein,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, Djibouti and Eritrea respectively,

Urging the Somali Transitional Federal Institutions (TFIs) and all Roadmap signatories to redouble their efforts to fully implement the Roadmap with the support of the United Nations Political Office for Somalia (UNPOS) and the international community, and *reiterating* that the Transition will not be extended beyond 20 August 2012, in keeping with the Transitional Federal Charter, Djibouti Agreement, Kampala Accord, and subsequent consultative meetings,

Expressing concern at the continued missing of deadlines in the political transition, and noting the primary importance of the transition process, *reaffirming* the importance of preventing further obstacles to the transition process,

Condemning flows of weapons and ammunition supplies to and through Somalia and Eritrea in violation of the Somalia arms Embargo and the Eritrea arms embargo established pursuant to resolution 1907 (2009) (hereafter referred to as the "Eritrea arms embargo"), as a serious threat to peace and stability in the region,

Deploring all acts of violence, abuses and violations, including sexual and gender-based violence, committed against civilians, including children, in violation of applicable international law, *strongly condemning* the recruitment of child soldiers, and *strongly urging that* the Transitional Federal Government (TFG) and its post-transition successors vigorously follow through with the Action Plan on recruitment and use of child soldiers, signed on 3 July 2012, and *stressing that* the perpetrators must be brought to justice,

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Recalling the Informal Working Group on General Issues of Sanctions report (S/2006/997) on best practices and methods, including paragraphs 21, 22 and 23 that discuss possible steps for clarifying methodological standards for monitoring mechanisms,

Reaffirming the need for both the Somali authorities and donors to be mutually accountable and transparent in the allocation of financial resources, by encouraging the application of international standards on fiscal transparency, including through the proposed Joint Financial Management Board, in this context *expressing concern* at the worrying reports on financial transparency,

Determining that the situation in Somalia, Eritrea's influence in Somalia, as well as the dispute between Djibouti and Eritrea, continue to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Recalls* resolution 1844 (2008) which imposed targeted sanctions and resolution 2002 (2011) which expanded the listing criteria, and *noting* one of the listing criteria under resolution 1844 is engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs and their post-transition successors, or the African Union Mission in Somalia (AMISOM) by force;

2. *Recalls* that engaging in or providing support for acts that threaten the peace, security or stability of Somalia may include, but are not limited to:

(a) Engaging in the direct or indirect export or import of charcoal from Somalia, in line with paragraphs 22 and 23 of resolution 2036 (2012);

(b) Engaging in any non-local commerce via Al-Shabaab controlled ports, which constitutes financial support for a designated entity;

(c) Misappropriating financial resources which undermines the Transitional Federal Institutions' and their post-transition successors' ability to fulfil their obligations in delivering services within the framework of the Djibouti Agreement;

3. *Considers* that such acts may also include, but are not limited to, engaging in or providing support for acts which obstruct or undermine the transition process in Somalia;

4. *Welcomes* the recommendation of the Somalia and Eritrea Monitoring Group to set up a Joint Financial Management Board to improve financial management, transparency and accountability of Somalia's public resources, *reiterates* its call for the end of the misappropriation of financial funds and for full cooperation in the rapid setting up and effective operation of the Joint Financial Management Board, and *notes* the importance of capacity-building of the relevant Somali institutions;

5. *Underscores* the importance of humanitarian aid operations, *condemns* any politicization of humanitarian assistance, or misuse or misappropriation, and *calls upon* Member States and the United Nations to take all feasible steps to mitigate these aforementioned practices in Somalia;

6. *Demands* that all parties ensure full, safe and unhindered access for the timely delivery of humanitarian aid to persons in need of assistance across Somalia, in accordance with humanitarian principles of impartiality, neutrality, humanity and independence, *underlines* its concern at the humanitarian situation in Somalia, *urges* all parties and armed groups to take appropriate steps to ensure the safety and security of humanitarian personnel and supplies, and *expresses its readiness* to apply targeted sanctions against individuals and entities if they meet the listing criteria set out in resolutions 1844 (2008) and 2002 (2011);

7. *Decides* that for a period of twelve months from the date of this resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations imposed on Member States in paragraph 3 of resolution 1844 (2008) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded NGOs participating in the United Nations Consolidated Appeal for Somalia;

8. *Requests* the Emergency Relief Coordinator to report to the Security Council by 20 November 2012 and again by 20 July 2013 on the implementation of paragraphs 5, 6 and 7 above and on any impediments to the delivery of humanitarian assistance in Somalia, and *requests* relevant United Nations agencies and humanitarian organizations having observer status with the United Nations General Assembly and their implementing partners that provide humanitarian assistance in Somalia to increase their cooperation and willingness to share information with the United Nations Humanitarian Aid Coordinator for Somalia in the preparation of such report and in the interests of increasing transparency and accountability by providing information relevant to paragraphs 5, 6 and 7 above;

9. *Requests* enhanced cooperation, coordination and information sharing between the Monitoring Group and the humanitarian organizations operating in Somalia and neighbouring countries;

10. *Decides* that measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to supplies of weapons and military equipment, or the provision of assistance, solely for the support of or use by the United Nations Political Office for Somalia, as approved in advance by the Committee established pursuant to resolution 751 (1992);

11. *Decides* that the Eritrea arms embargo imposed by paragraph 5 of resolution 1907 (2009) shall not apply to protective clothing including flak jackets and military helmets, temporarily exported to Eritrea by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;

12. *Decides also* that the measures imposed by paragraph 5 of resolution 1907 (2009) shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee;

13. *Decides* to extend until 25 August 2013 the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), extended by subsequent

resolutions including by resolutions 2002 (2011), 2023 (2011) and 2036 (2012), *expresses* its intent to review the mandate and take appropriate action regarding the further extension no later than 25 July 2013 and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a period of thirteen months from the date of this resolution, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to previous resolutions, including resolution 2002 (2011), and consistent with resolution 1907 (2009), resolution 2023 (2011) and resolution 2036 (2012), this mandate being as follows:

(a) To assist the Committee in monitoring the implementation of the measures imposed in paragraphs 1, 3 and 7 of 1844 (2008), including by reporting any information on violations; to include in its reports to the Committee any information relevant to the potential designation of the individuals and entities described in paragraph 1 above;

(b) To assist the Committee in compiling narrative summaries, referred to in paragraph 14 of resolution 1844 (2008), of individuals and entities designated pursuant to paragraph 1 above;

(c) To investigate any seaport operations in Somalia that may generate revenue for Al-Shabaab, an entity designated by the Committee for meeting the listing criteria in resolution 1844 (2008);

(d) To continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005), paragraphs 23 (a) to (c) of resolution 1844 (2008), and paragraphs 19 (a) to (d) of resolution 1907 (2009);

(e) To investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit violations of the Somalia and Eritrea arms embargoes;

(f) To investigate any means of transport, routes, seaports, airports and other facilities used in connection with violations of the Somalia and Eritrea arms embargoes;

(g) To continue refining and updating information on the draft list of those individuals and entities that engage in acts described in paragraph 1 above, inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(h) To compile a draft list of those individuals and entities that engage in acts described in paragraphs 15 (a)-(e) of resolution 1907 (2009), inside and outside Eritrea, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(i) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) and 1474 (2003), and on the previous reports of the Monitoring Group (S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913, S/2007/436, S/2008/274, S/2008/769, S/2010/91 and S/2011/433) appointed pursuant to resolutions 1519 (2003), 1558 (2004), 1587 (2005), 1630

(2005), 1676 (2006), 1724 (2006), 1766 (2007), 1812 (2008), 1853 (2008), 1916 (2010) and 2002 (2011);

(j) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the Somalia and Eritrea arms embargoes, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) concerning Eritrea;

(k) To assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the Somalia and Eritrea arms embargoes, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) concerning Eritrea;

(l) To provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and to submit progress reports to the Committee on a monthly basis;

(m) To submit, for the Security Council's consideration, through the Committee, two final reports, one focusing on Somalia, the other on Eritrea, covering all the tasks set out above, no later than thirty days prior to the termination of the Monitoring Group's mandate;

14. *Further requests* the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

15. *Requests* the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities to consider the recommendations in the reports of the Monitoring Group and recommend to the Council ways to improve the implementation of and compliance with the Somalia and Eritrea arms embargoes, the measures regarding the import and export of charcoal from Somalia, as well as implementation of the targeted measures imposed by paragraphs 1, 3 and 7 of resolution 1844 (2008) and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) taking into account paragraph 1 above, in response to continuing violations;

16. *Urges* all parties and all States, including Eritrea, other States in the region, and the Transitional Federal Government, and its post-transition successor, as well as international, regional and subregional organizations, to ensure cooperation with the Monitoring Group, and ensure the safety of the members of the Monitoring Group, and unhindered access, in particular to persons, documents and sites the Monitoring Group deems relevant to the execution of its mandate;

17. *Decides* to remain actively seized of the matter.